

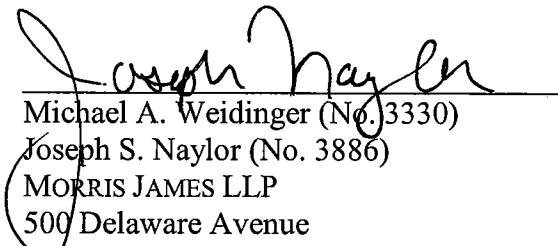
**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

G&G, LLC,)
)
Plaintiff,) Case No. 07-440 (SLR)
)
-v-)
)
James L. Hyde, et al.,)
)
Defendants.)

MOTION OF DEFENDANTS WALNUT INVESTMENT PARTNERS, LP, WALNUT PRIVATE EQUITY FUND, LP, THE WALNUT GROUP, BRAND EQUITY VENTURES II, LP, MILLEVERE HOLDINGS LIMITED, DAVID YARNELL, JAMES GOULD, SIMON WRIGHT, AND WALT SPOKOWSKI TO DISMISS OR STAY AMENDED COMPLAINT OF G&G, L.L.C. PURSUANT TO THE FIRST-TO-FILE DOCTRINE

Defendants Walnut Investment Partners, LP, Walnut Private Equity Fund, LP, The Walnut Group, Brand Equity Ventures II, LP, Millevere Holdings Limited, David Yarnell, James Gould, Simon Wright, and Walt Spokowski (collectively “Moving Defendants”) hereby move this Court to dismiss G&G’s Amended Complaint pursuant to the “first-to-file” rule recognized by the Third Circuit, and most recently applied in this judicial district in *Time Warner Cable, Inc. v. GPNE Corp.*, 2007 U.S. Dist. LEXIS 52655, at *9 (D. Del. July 20, 2007). Alternatively, the Moving Defendants ask the Court to stay this case in favor of the previously filed and ongoing litigation arising out of the same facts styled *Walnut Investment Partners, LP, et al. v. G&G, LLC, et al.* and pending in the United States District Court for the Southern District of

Ohio under Case No. 1:07-cv-380 ("Ohio Action"). The grounds for this Motion are set forth more fully in the accompanying Opening Brief.



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